IN THE HON'BLE HIGH COURT OF JUDICATURE OF BOMBAY AT PORVORIM, GOA

P.I.L. Writ Petition No. 15/2024

Aaron Victor E Fernandes and Ors. ….Petitioners

V/s

State of Goa & Ors …Respondents

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PLACE: PORVORIM, GOA

DATE: 28.03.2024

ADVOCATE FOR THE PETITIONERS

IN THE HON'BLE HIGH COURT OF JUDICATURE OF BOMBAY AT PORVORIM, GOA

P.I.L. Writ Petition No. /2024

Aaron Victor E Fernandes and Ors. ….Petitioners

V/s

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SYNOPSIS AND CHRONOLOGY OF

DATES AND EVENTS

Large scale felling of "intergenerational" heritage trees has been initiated in Siolim village for a road widening project which does not appear to have any approvals. Trees felled have not been marked. Public protests have halted the felling of trees. More than 100 trees, including many heritage trees, are destined to be felled. Petitioners are invoking Article 21, and climate change, as all aspects of need to fell such trees have not been considered. Further, directions issued by this Hon'ble Court in respect of provisions of the Goa Preservation of Trees Act are not being implemented. The PIL prays for attendant reliefs in terms of a halt to the tree felling before adequate study and evaluation is made. The tree felling commenced on 3 March, and has been halted after protests, by 5th March. 30 large trees however have already been felled. Hence this petition.

D

LIST OF DATES AND EVENTS

Sr. No.	Date	Particulars of events or documents if any	Annexure and page
1.	08.07.2021	Judgement of this Hon'ble Court in P.I.L. W.P. 8/2021, in the matter of *Living Heritage Foundation vs. State of Goa and Ors.* Several directions issued to State Govt. for necessary compliance with provisions of Goa Preservation of Trees Act.	
2.	03.03.2024 – 05.03.2024	Authorities start large scale felling of ancient heritage trees in Siolim. At least 30 trees felled over the course of 3 days.	**Ann. 2 Colly,** *at pgs.*
3.	06.03.2024 – 12.03.2024	Residents of Siolim hold candle light vigil protests every evening in Siolim to protest against the rampant and reckless felling of ancient trees	
4.	10.03.2024	Email Complaint made by resident of Siolim to Forest Dept. regarding tree felling	**Ann. 4 Colly,** *at pgs.*
5.	13.03.2024	Present P.I.L. W.P. is filed	

PLACE: PORVORIM, GOA
DATE: 13.03.2024

ADVOCATE FOR THE PETITIONERS

IN THE HON'BLE HIGH COURT OF JUDICATURE

OF BOMBAY AT PORVORIM, GOA

P.I.L. Writ Petition No. /2024

Aaron Victor E Fernandes and Ors. ….Petitioners

V/s

State of Goa & Ors …Respondents

QUESTIONS FOR DETERMINATION

& LIST OF ACTS & AUTHORITIES

1. Whether the felling of large number of roadside trees in Siolim, which include several heritage or intergenerational trees, is necessary and can be permitted and without study of alternatives?

2. Whether all approvals as required under the Goa Preservation of Trees Act, and directions issued by this Hon'ble Court, are being complied with?

F

- The Constitution of India, 1950

- The Goa Preservation of Trees Act, 1984

PLACE: PORVORIM, GOA

DATE: 13.03.2024

ADVOCATE FOR THE PETITIONER

IN THE HON'BLE HIGH COURT OF JUDICATURE OF BOMBAY AT PORVORIM, GOA

P.I.L. Writ Petition No. /2024

IN THE MATTER OF ARTICLES 21, 14, & 226 THE CONSTITUTION OF INDIA AND RULE 4(e) OF THE BOMBAY HIGH COURT PUBLIC INTEREST LITIGATION RULES, 2010

AND

IN THE MATTER OF THE WANTON FELLING OF ANCIENT HERITAGE TREES IN THE VILLAGE OF SIOLIM, ALLEGEDLY AS A PART OF ROAD WIDENING OF M.D.R.10

AND

IN THE MATTER OF THE RIGHT TO A CLEAN AND HEALTHY ENVIRONMENT AND THE PRINCIPLES OF SUSTAINABLE DEVELOPMENT AND INTERGENERATIONAL EQUITY

1. **AARON VICTOR E. FERNANDES,**
   Conservationist/Wildlife Rescuer, age 39 years,
   Resident of Modlo Vaddo, Marna, Siolim,
   Bardez, North Goa, Goa - 403517,
   Approx annual Income - Rs. 7,20,000/-,
   AADHAR Card No. - 362508752583,
   Mobile no. : 9850560560.

2. **SIMON RODRIGUES,**
   Retired, Age 69 years,
   Resident of 812/7, Bamanwado, Xeli,
   Siolim, Bardez, North Goa, Goa - 403517,
   Approx annual Income - N.A. [*retired*],
   AADHAR Card No. - 316198426636,
   Mobile no. : 9225901937.

3. **FATIMA ANNA FRANCISCA BAPTISTA E FERNANDES**, retired, age 61 years,
   Resident of H. No. 206, Chaudi Vaddo, Marna, Siolim, Bardez,
   North Goa, Goa - 403517,
   Approx annual Income - N.A. [*retired*],
   AADHAR Card No. - 445628642795,
   Mobile no. : 9767571068.

……**PETITIONERS**

v/s.

1. **THE STATE OF GOA,**

through its Chief Secretary,
Secretariat, Porvorim, Goa - 403521.

2. **THE TOWN AND COUNTRY PLANNING DEPARTMENT,** North Goa District Office,
thr. the Senior Town Planner, 302,
Govt. Building Complex, Mapusa, Bardez, Goa - 403507.

3. **THE PUBLIC WORKS DEPARTMENT,**
WORKS DIVISION XIII (R),
thr. its Executive Engineer, Mapusa, Bardez, Goa - 403507.

4. **THE TREE OFFICER,**
Forest Department., Govt of Goa, North Goa, Ponda, Goa.

5. **THE TREE AUTHORITY,**
NORTH GOA DISTRICT,
thr. its Secretary, the D.C.F [North],
Forest Department, Government of Goa,
'Van Bhavan', Altinho, Panaji, Goa – 403001.

6. **RAFIK MUNNA SABJI,**
r/o. Wadi, Siolim, Bardez, Goa – 403517. *[Amendment carried out as per order dt. 13.03.2024]*

7. **THE VILLAGE PANCHAYAT OF SIOLIM – MARNA – SODIEM,**
thr. its Secretary, Bamon vaddo,
Siolim, Bardez, Goa – 403517. *[Amendment carried out as per order dt. 27.03.2024]*

8. **MR. MICHAEL LOBO,**
No. 4/16A, Porba Vaddo, Prabhu wada,
Calangute, Goa – 403516.

9. **THE MINISTRY OF ROAD TRANSPORT & HIGHWAYS**
Transport Bhawan, 1, Parliament Street, New Delhi-110001.

10. **GOA STATE INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED,**
7th Floor, EDC House, Dr. Atmaram Borkar Road,
Panaji-Goa 403001. *[Amendment carried out as per order dt. 22.07.2024]*

….**RESPONDENTS**

(Above addresses are registered addresses of parties)

To,

The Hon'ble Chief Justice

and His Companion Judges,

Bombay High Court at Porvorim, Goa

THIS HUMBLE PETITION OF THE PETITIONER MOST RESPECTFULLY SHOWS AS UNDER

PARTICULARS OF THE CAUSE AGAINST WHICH THIS PIL IS FILED

1. This PIL writ petition is filed seeking this Hon'ble Court's urgent intervention for the protection of more than 100 trees – including several ancient heritage trees more than 50-100 years old – which are being mercilessly felled as a part of the allegedly sanctioned activity of road widening of Major District Road No.10 in the village of Siolim from 3th March 2024 onwards. Despite residents and petitioners attempting to inquire with the concerned departments, they were unable to get specific information available with regards to the ongoing works, and even contractors present at the site did not have any documentation/permissions regarding the activity. The current felling of these heritage trees with immeasurable ecological and biological value seems to be without any due application of mind, including whether

alternative proposals and the question of saving these trees is concerned. More than 30 trees have been felled in the last week without following procedure, and around 120 more are proposed to be felled for the road widening works which will lead to devastation of the environment. It is submitted that without a determination of whether the tree felling activity as a part of the road widening was approved, and that too with due application of mind as required by this Court's earlier orders and judgments towards the immense value of these ancient trees, no further cutting of these trees ought to be allowed. Hence this petition.

PARTICULARS OF THE PETITIONER

2. The petitioners are all residents of the village of Siolim, where the tree felling activities are ongoing, and have invoked this Court's jurisdiction *inter alia* in exercise of their right to a clean and healthy environment; and the principles of Sustainable Development, Public Trust, and Intergenerational equity. An undertaking that the petitioners will disclose the source of information leading to the filing of the PIL is filed by the petitioner no. 1 and is marked and annexed at **Annexure 1.**

Particulars of the Respondents

3. The Respondent No. 1 is the State of Goa. The Respondent No. 2 is the Town and Country Planning Department, Mapusa. The Respondent No. 3 is the Division of the P.W.D. Mapusa which is concerned with the ongoing road widening works. The Respondent No. 4 is the Tree Officer notified under the Goa Trees

Act, and the Respondent No. 5 is the Tree Authority for the North Goa District.

Declaration of the Petitioner

4. The Petitioners state that this petition is filed by way of public interest. The petitioners do not have any personal interest in the matter. Reliefs claimed are in public interest.

5. The Petitioners state that the entire litigation costs and other charges are being borne by the petitioners.

6. The Petitioners state that adequate research has been conducted in the matter raised through the petition and all relevant material has been annexed to the petition. More may be added, if necessary, at a later stage.

7. The Petitioner states that to the best of their knowledge and research the issues raised in the petition were not dealt with or decided and that a similar or identical petition was not filed earlier by the petitioner on the same matter either in this Hon'ble Court or in the Supreme Court of India.

8. The Petitioner states that this Hon'ble Court has jurisdiction to hear and decide this matter.

9. The Petitioner has understood that in the course of hearing of this petition, the Court may require any security to be furnished

towards costs or any other charges and the petitioner shall comply with such charges.

Facts constituting the cause

10. To the shock of Siolim residents, on 3rd March 2024, contractors went on a tree felling spree wherein age-old (over 100 years old) trees, including huge flowering mango trees, were ruthlessly chopped from the HDFC bank junction, Siolim up to the bus-stop on the Siolim Main Road, i.e., opposite the road going towards Porta Vaddo, Siolim. Across this stretch, more than 30 trees have already been mercilessly felled, such as in front of the complex housing Fabrico Laundromat, in and around the complex housing Goa Grill, Rabbit Hole etc., in front of B&F Amber Gardens, Riviera Sublime, SFX School and the supermarkets ahead. Photographs of some of the ancient trees felled from 03.03.2024 till 05.03.2024 are enclosed herewith as **Annexure 2 Colly.**

11. The trees were providing much needed cool and fresh air, shade and cover to residents and passersby, in times when pollution has been ever increasing and overall the climate is getting hotter in context of climate change. In a span of three days, i.e., 3rd March 2024 to 5th March 2024, the authorities cut approximately 30 trees. Since the trees were not numbered as required by law, the number of trees felled is based on counting by petitioners of the tree stumps, debris as well as visual documentation of the felling of some of the trees.

11-A. After the filing of this petition, the petitioners learnt that approximately 35 trees were felled, and a First Offence Report has been filed by the Forest Department, wherein one Mr. Rafik Munna Sabji [*R. 6 herein*] has

been named as the accused. The petitioners have made enquiries about the details of the trees felled, and have learnt that at least 29 of the 35 ancient trees were in private properties. The names of the private property owners with Sy. No.s and number of trees felled, as reported to the petitioners, is listed hereunder:

Sr. No.	**Private property - owner details**	**Sy. No.**	**Trees in private property [*felled*]**
1.	Sheela Naik Bandodkar	59/17	1 mango tree, 1 jackfruit tree
2.	Anthony Fernandes	56/4	1 mango tree
3.	Radhabai Vaman Naik	53/17	2 mango trees
4.	St. Xavier School Property	52/21	1 mango tree
5.	Deepak Chandrakant Burye	53/1	2 mango trees
6.	Jose Filipe Pegado Braganza	53/6	1 mango tree
7.	Uttam Jaganath Mandrekar	53/14	1 mango tree
8.	Celestin Fernandes	56/11	1 mango tree
9.	Vinayak Volvoikar	56/13	4 mango trees
10.	Janardhan Gopal Thali	54/62	1 mango tree
11.	V. M. Victor	54/17	1 mango tree
12.	Uttam Jaganath Mandrekar	53/14	5 teak trees
13.	Mint Ventures Pvt Ltd	56/1	1 mango tree
14.	Rita Maria Fernandes	53/18	1 mango tree
15.	Amit Chinchankar	54/18	1 mango tree

16.	Michael John Almeida	56/2	1 mango tree
17.	Deepak Chandrakant Burye	176/9	3 mango trees
		TOTAL =	**29 trees**

11-B. One of the private property owners has filed complaints with regards to the felling of 2 coconut trees in her property. The complaints dt. 06.03.2024 and 07.03.2024 are enclosed herewith as **Annexure 2-A Colly**.

12. Some of the residents had demanded to see the relevant papers, documentation, work orders from the contractors present at the site, however the latter did not have any documentation to show for the ongoing project, and only stated that they had been instructed to cut the trees and proceed with their work. They were unable / unwilling to inform who had authorised the tree felling.

12-A. After the filing of the petition, the petitioners have obtained two videos circulating in social media, which they have brought on record via a USB Pendrive, enclosed with the affidavit of the Petitioners dt. 27.03.2024. In the first video, Mr. Michael Lobo, M.L.A., is seen stating that the contract was given to the tree cutters by the Village Panchayat. In the second video, Mr. Lobo states *inter alia* that the Government / P.W.D. has taken the decision to undertake the road widening work. The links to the said videos are listed at **Annexure 2-B Colly**, and the transcript of both videos is enclosed hereto as **Annexure 2-C Colly.**

Thus, it is not clear as to who has authorized/ is taking responsibility for the felling of these 35 trees. The Village Panchayat of Siolim-Marna-Sodiem and Mr. Michael Lobo have been impleaded as Resp. No.s 7 and 8 in this petition.

13. As the tree felling works were continuing in a haphazard and brazen manner, concerned citizens decided to start holding a candle-light vigil protest in front of SFX School every day, starting from 6th March 2024. The vigil was held in front of the debris and stumps of massive felled trees in front of the school. On day 1, there were 10 people at the protest and passerbys stopped by to show some support. Day 2 saw 40-50 people show up, which lead to articles in leading local publications such as *Herald* Goa and others. Day 3 saw over 70 people show up with posters, etc along with local content-creators who went live on platforms like Instagram and Facebook to raise awareness about this destruction, and the locals of Siolim as well as other villages have continually been gathering every night as a part of the candle-light vigil protest.

14. The contractors at the site have informed residents that trees all along the stretch starting from the Siolim Market T-Junction are proposed to be felled. The residents of Siolim, including the petitioners, are determined to protect the 100+ trees still existing on this stretch from needless destruction, several of which are heritage trees more than 50 years old. Photographs showing the

existing trees proposed to be cut as a part of the proposed road widening works are enclosed herewith as **Annexure 3 Colly.**

15. At present, the felling of trees has temporarily been halted from 6th March 2024 on account of the sustained public protests by Siolim residents. From 06.03.2024 till the time of the filing of this petition, i.e. 13.03.2024, no further trees have been felled, even though other works such as clearing of previously felled trees, removal of structures etc., continues. Hence this petition has been filed seeking urgent directions from this Court before the felling of trees commences once again. The petitioners crave leave to amend and bring on record additional documents, photos and pleadings in due course, if so required.

16. There are serious issues with the ongoing tree felling activities in Siolim. It is not known whether tree felling permissions were accorded in terms of the Goa Preservation of Trees Act, 1984, or whether the Tree Authority under the Act undertook a study of the proposal and the massive number of trees to be felled for the purpose; alternate routes; and the possibility of saving the ancient heritage trees. The trees already cut were not marked and numbered as required by law. In these circumstances, it is submitted that the present felling of trees ought to be stayed by this Hon’ble Court for the time being, until the relevant information and decision making related documents are produced by the State Departments including in relation to the trees already felled.

17. The ongoing tree felling seems to have been hastily done under the guise of development and road safety, whereas it is apparent that there are underlying vested interests of potential mega-project housing and commercial developments proposed in Siolim village, including construction of a casino on the Siolim River.

Grounds

18. The Petitioner is therefore approaching this Hon'ble Court in public interest on the following major grounds, among others:-

A. In *Association for Protection of Democratic Rights & Anr. V. The State of West Bengal & Ors.*, the Hon'ble Apex Court has stated that:

> "The right to a clean and healthy environment has been recognized as the fundamental right under Article 21 of the 2 Constitution of India. Article 48-A imposes duty upon the State to endeavour to protect and improve the environment and safeguard the forests and wildlife of the Country. In addition to this, India is also a party to international treaties, agreements and conferences and has committed itself to sustainable development and growth. This legal framework indicates that sustainable development must remain at the heart of any development policy implemented by the state. It is essential to strike the right balance between environmental conservation and protection on one hand,

and the right to development on the other, while articulating the doctrine of sustainable development. We may add that in our opinion conservation and development need not be viewed as binaries, but as complementary strategies that weave into one another. In other words, conservation of nature must be viewed as part of development and not as a factor stultifying development.."

B. As per the Goa Preservation of Trees Act, 1984 and the Rules framed thereunder, [*Section 9, and Rule 6 read with Form 'E'*], permission is required to be obtained from the Tree Officer before felling of any trees. The Tree Officer has to inspect and pass a reasoned order allowing or rejecting the Application. If the permission is granted, the trees permitted to be cut are required to be specifically marked and numbered by the R.F.O. before they are felled, as 3 times the number of trees felled are to be replanted. In the present case, none of the trees felled had any markings/numbering on them as required by law. The trees along the further stretch which are proposed to be cut also do not have any markings/numbering.

C. No information could be obtained in the short time span since the ongoing tree felling work commenced, and even the contractors present at the site carrying out the works did not provide any documentation to residents, on account of which the legality of the tree felling works is not known. Without this information being available, it seems that the present tree felling works are being carried out without benefit of law, due

application of mind and in undue haste to present a *fait accompli*.

D. In terms of Section 7(h) of the Goa Preservation of Trees Act, 1984, the Tree Authority under the Act is required to undertake a critical study of the proposals of various Government Departments and private bodies construction of buildings, roads, factories, irrigation works, laying out of electric, telephone, telegraphic and other transmission lines with regard to protection of existing trees and planting of more trees, wherever possible. The necessity to carry out such a study has been reiterated by this Hon'ble Court in its judgment dt. 08.07.2021 in P.I.L. W.P. 8/2021, in the matter of *Living Heritage Foundation vs. State of Goa and Ors.* Petitioners submit that several other directions given in that judgment are not being implemented.

E. In the above judgment in P.I.L. W.P. 8/2021, this Court was pleased to state that "The provisions of the Trees Act embody a reminder by the Legislature to the executive that the duty to preserve trees in the State of Goa is in the discharge of the constitutional duty to preserve the ecology and environment. The provisions of the Tree Act are rooted in the Doctrine of Public Trust, which posits that certain common resources like waters, air, forests, trees are held by the Government in trusteeship for smooth and unimpaired use of the public. This Doctrine enjoins upon the Government to protect such natural resources rather than permit their wanton exploitation, inter alia for commercial purposes."

F. Without a study being undertaken of the proposed road widening works and all the trees required to be cut, including the protection of existing trees, no further tree felling ought to be allowed. Such a study also ought to take into consideration the recommendations of the Expert Committee constituted by the Hon'ble Supreme Court of India on the value of trees [in *Association for Protection of Democratic Rights & Anr. V. The State of West Bengal]*, and their irreplaceable role in an ecosystem, especially of heritage trees. The Expert Committee Report inter alia says that the value of a heritage tree with a lifespan of well over 100 years could be more than Rs 1 crore, and that instead of cutting trees for highway projects, the governments should first explore alternatives such as using existing waterways and railway lines to facilitate traffic and transport infrastructure. In case trees must be removed, the committee said, the first endeavour should be to relocate them, making use of modern technology, and if they must be felled, it also added, that planting five saplings in lieu of one tree was not good enough since a 100-year-old tree cannot be equated with a few fresh saplings.

G. The fact that serious thought needs to be given to the felling of trees for any activity in terms of their significance to the biodiversity of an area has been eloquently stated by the Hon'ble Supreme Court of India in the case of *Chowgule and Co. Ltd. vs. Goa Foundation and Ors, (2008) 12 SCC 646,* where the Apex Court has observed that:

25. There is yet another circumstance which is even more disturbing inasmuch as the removal of existing forest or trees suited to the local environment have destroyed the ecosystem dependent on them. This is evident from the huge depletion of wildlife on account of the disturbance of the habitat arising out of the destruction of the existing forest cover. A small but significant example is the destruction of plantations alongside the arterial roads in India. 30 years ago all arterial roads had huge peripheral forest cover which not only provided shade and shelter to the travellers but were a haven to a large variety and number of birds and other wildlife peculiar to that area.

26. With the removal of these plantations to widen the roads to meet the ever-growing needs of the traffic, and their replacement by trees of non-indigenous varieties (which are often not eco or bird friendly) in the restricted and remaining areas bordering the widened roads, the shelter for birds has been destroyed and where thousands of birds once nested and bred, there has been a virtual annihilation of the bird life as well."

H. It is well established that the State is the Trustee of the public resources, consisting of the different components of the environment, including the trees. The ancient trees which are proposed to be felled have been providing shade and relief to presidents of Siolim and passersby for several decades, and cannot be simply felled without extensive and proper

application of mind. Sustainable development in its essence calls for a balance between development in the present period, with the need to preserve the environment for the future. This generation owes a solemn responsibility to the future generations to safeguard and bestow upon them the same vibrant, clean and healthy environment that this generation has enjoyed. This generation is duty bound to hand over these trees to the next generation.

I. *In Deepak Balkrishna Vahikar v. The State of Maharashtra and others*, the Hon'ble Bombay High Court at Maharashtra, observed that "Sustainable development seeks to draw a balance between the needs of development in the present with the need to preserve and protect the environment in the interests of future generations. The doctrine of public trust recognizes that the environment should be protected for future generations. Legislation, such as the Trees Act, must, therefore, be interpreted by the Court consistent with the need to ensure sustainable development so that the green cover in urban agglomerations of the State, is not destroyed by rapacious development motivated by human greed."

J. For the above reasons, it is submitted that the present activities of tree felling without due compliance with the provisions of the Preservation of Trees Act; a due study of alternate proposals; estimating the ecological value of the trees being cut; and information about permissions accorded for such work being considered, would be in violation of the Petitioners as well as residents' right to a clean and healthy environment, and its maintenance and protection.

K. Such other and further grounds may be urged during the course of hearing of this petition.

Source of Information

19. The Petitioners are relying on information noticed and obtained from the sites where the tree felling activities have been ongoing; as well as limited information obtained from telephonic/verbal communications with Govt. Departments and contractors undertaking the works.

Delay, if any, in filing the petition

20. There is no delay in the filing of this petition. Tree felling in Siolim commenced from 03.03.2024 till 05.03.2024, and stopped from 06.03.2024 owing to sustained protests by residents of Siolim. After a few days of trying to obtain information and document the devastation of trees that has already occurred, the Petitioners have immediately moved this court to obtain reliefs against the cutting of any more trees.

Representations made

21. A resident of Siolim, Mr. John Lobo, has made an email complaint to the Forest Department as well as the Police on 11.03.2024 regarding the destruction of the ancient trees. A copy of the emails dt. 11.03.2024 are enclosed as **Annexure 4 Colly.** Applications under RTI for more information are being made. However, the

authorities, due to the public protests, are well aware of the situation as it is emerging at Siolim.

Documents relied upon

22. List of documents to be relied upon is provided in the index.

Nature and extent of injury:

23. The reckless and wanton felling of ancient trees in Siolim, some more than 100 years old, is an irreplaceable and unrepairable tragedy that has recently commenced. None of the felled trees as well as the trees proposed to be felled are identified and marked as required by law, and it is not known whether there has been due application of mind before the decision to cut such invaluable trees was taken. In these circumstances, the petitioners are constrained to move this Honb'le Court seeking urgent reliefs.

Prayers:

24. The Petitioner is therefore praying for the following reliefs, in public interest

A. (i) For an order directing the Tree Authority, Govt. of Goa, to carry out a comprehensive study of the proposal for Road Widening of Major District Road 10 in Siolim village, *inter alia* including the ecological value of the heritage trees, whether they can be preserved, and the related compensation to be paid and replacement, if needed, as per report of the experts, in addition to study of availability of alternate routes.

Or, in the alternative;

(ii) For an order constituting an Expert Committee to carry out a comprehensive study of the proposal for Road Widening of Major District Road 10 in Siolim village, *inter alia* including the ecological value of the heritage trees, whether they can be preserved, and the related compensation to be paid and replacement, if needed, as per report of the experts, in addition to study of availability of alternate routes.

B. For an order directing the Tree Authority or the Forest Department, as the case may be, to assess the ecological value of the trees already felled as a part of the Road Widening works in Siolim; and carry out the recovery of ecological value and replantation of trees in a time bound manner;

C. For costs of this petition;

D. Any other reliefs this Hon'ble Court may be pleased to grant;

Interim reliefs:

E. For an order staying the further felling of trees in Siolim village as a part of the works of road widening of Major District Road 10, commencing from the Siolim Market T-Junction;

F. For an order directing the PWD to produce all approvals required prior to commencement of the project including permissions under the Trees Act;

G. For ex-parte, ad-interim relief in terms of prayer clause [E].

25. **Caveat**

No notice has been received of lodging a caveat by the opposite parties.

For the above, the Petitioners are very grateful.

PLACE:
DATE:

PETITIONER NO. 1

PETITIONER NO. 2

PETITIONER NO. 3

IN THE HON'BLE HIGH COURT OF JUDICATURE

OF BOMBAY AT PORVORIM, GOA

P.I.L. Writ Petition No. /2024

Aaron Victor E Fernandes and Ors. ….Petitioners

V/s

State of Goa & Ors …Respondents

AFFIDAVIT IN SUPPORT OF THE PETITION

I, Aaron Victor E Fernandes, the Petitioner No. 1 above named, do solemnly state on oath as under:

1. I say that I have today filed a Writ Petition in public interest for the reliefs sought therein, which has been prepared under the instructions of the Petitioners.

2. I state that there is no personal gain, private motive or oblique reason in filing the PIL.

3. The petitioners are ready to pay costs as ordered by the Court, if it is ultimately held that the petition is frivolous or has been filed for extraneous consideration or that it lacks bonafides.

4. The petitioners shall disclose the source of their information, leading to the filing of the PIL, if and when called upon by the Court to do so.

5. That the contents of paragraphs 1(p), 2(p), 3, 4, 5, 6, 7, 8, 9, 10, 11(p), 12, 13, 14, 15(p), 16(p), 17, 18(p), 19, 20, 21, 22, 23(p) and 24 of the accompanying petition are correct and true are true to the best of my knowledge and information collected by me from the Departments of Government and official gazettes/website/internet which I believe to be true, and the contents of paras 1(p), 2(p), 11(p), 15(p), 16(p), 18(p), 23(p) and 24 are my submissions made on legal advice which I believe to be true and correct. No part of it is false and nothing material has been concealed therefrom.

6. I say that the documents annexed are true copies of their originals.

Solemnly affirmed at ,
this the day of Deponent

ANNEXURE 1

IN THE HON'BLE HIGH COURT OF JUDICATURE OF BOMBAY AT PORVORIM, GOA

P.I.L. W.P. No. /2024

Aaron Victor E Fernandes and Ors. ….Petitioners

V/s

State of Goa & Ors …Respondents

UNDERTAKING IN SUPPORT OF THE PETITION

I, Aaron Victor E Fernandes, the Petitioner No. 1 above named, undertake that I will disclose the source of information leading to the filing of this Public Interest Litigation if and when called upon by the Court to do so.

Place: , Goa

Date: Petitioner

Photographs of some of the ancient heritage trees
felled in Siolim from 03.03.2024 till 05.03.2024

Dental Clinic

True copy

From,
P/s Maria D. Sequeira,
R/o Siolim, Goa
Date 07/03/24
Time 08 (morning)

To,
The Police-in-charge
Siolim out post

Subj: Unauthorized cutting of my two young coconut trees by P.W.D supported by Ward Member Amit Morasker.

Sir,

Yesterday I have been to Mapusa regarding some personal matter and taking advantage of the situation the P.W.D Engineer Mr Sandeep with the support of the Ward Member Amit Morasker cut my young coconut trees which has not been acquired by P.W.D, nor do they've the work order to do this acts.

Please, therefore register the case for this unlawful act of trespass where there is already a Board erected in the property bearing survey no 48/2, Bamoo Vadde.

The Board itself mentions that "Trespasser will be prosecuted"

Therefore, Kindly register the case against them.

Yours sincerely,

(Maria D. Sequeira)

Thanks.

POLICE OUT POST
07/3/2024

26-B

[*Typed copy of pg.* **26-A**]

From:
Ms. Maria D. Sequeira
R/o Siolim, Goa
Date: 07.03.24
Time: 08 (morning)

To:
The Police in charge,
Siolim Out Post

Subject: Unauthorised cutting of my two young coconut trees by PWD supported by Ward Member Amit Morajkar

Sir,

Yesterday I have been to Mapusa regarding some personal matter and taking advantage of the situation the PWD Engineer Mr. Sandeep with the support of the Ward Member Amit Morajkar cut my young trees which has not been acquired by PWD nor do they have the work order to do these acts.

Please therefore register the case for this unlawful act of trespass where there is already a Board erected in the property bearing Survey No. 48/2, Bamos Vaddo. The Board itself mentions that "Trespassers will be prosecuted".

Therefore kindly register the case against them.

Yours sincerely,

Sd/-

Maria A Sequeira

26-D

rom:
Miss. Maria A. Sequeira,
R/o. Siolim Bardez Goa.
Cont : 9834255967

Date: 06/03/2024

To,
The Executive Engineer,
PWD, Mapusa Goa.

SUB : Regarding the Road Widening at Bamon Wado Siolim Goa in our Private Properties.

Sir,

Yesterday on 05/03/2024 around 1:30 noon I met MLA Mr. Michael Lobo of Calangute Constituency who approached me near the Valankani Pet Shop Siolim requesting me to give away our ancestral property for the widening of the road.

This properties are in our possession from Portuguese period till date and before the Survey records came into existence.

I am hereby annexing the copies of the Fom I and XIV of the properties which are near the road bearing Survey No. 37/3, 48/2 |, 47/16 and 38/57 close to our paddy fields. Earlier the Original mud road was asphalted most of our area in Sy. No. 37/3, and 48/2, they have been captured and recently more area attached to our compound wall leading to Guddem road without our permission and without any Govt. formalities which is unlawful on the part of the government to capture the land.

So also the Government wants now to demolish my old 200 years Portuguese time wall just for the benefit of the Tourists and destroy our peace living area, remember our ancestral house bearing Sy. No. 37/3 is 200 years old and we spent lot of money to maintain the said house and till today the Tourists Indians as well as foreign tourists get attracted and click photos of the said house and the compound wall., since it appears to be a heritage house in the Village of Siolim.

So also our property bearing Sy. No. 48/2, situated at Bamon wado was earlier captured our land without acquiring by PWD. Is this the quality of our Govt. to grab the land without carrying the sentiments of our ancestors who spend their lives and money to

11

maintain their property for their generation and now give away to PWD authorities for the benefits of the Tourists who come to enjoy in Casinos and dance bars.

Therefore the Govt. should study the matter without hurting the sentiments of the original Goans.

Besides, I would like to mention that one illegal Super market which is attached to the Road, of one Govenkar Tar remain untouched till today and other structures has been demolished without acquisition procedure.

Therefore the Govt. should study the matter and not forcibly grab the land of all the properties belonging to one family and force us to surrender the properties without legal procedure.

So my family and myself do formally object for this unlawful act by forcibly trying to capture the Land.

Thanking you' *[handwritten- forcibly trying to capture the land]*

Yours faithfully

Maria A. Sequeira

(Miss. Maria A. Sequeira)

RECEIVED
6/3/24
Entry Clerk
Office of the Executive Engineer
Works Div. XIII Roads
P.W. Margao

inward NO:- 10772

ANN. 2-B COLLY

Google Drive links to 2 videos listed below –
regarding tree felling in Siolim

https://drive.google.com/drive/folders/1BHSuTIc689ReAiSK1ZaG-vYE53ju1_p5?usp=sharing

26-H

Ann. 2-C Colly - Transcript of 'Video 1' – P.I.L. W.P. 6/2024

[*Speaker seen in the video is Mr. Michael Lobo, M.L.A.*]

Mr. Lobo - **The contract was given to the tree cutter by the Panchayat.** The licenses etc. have currently lapsed. 4 or 5 trees were cut now, all trees cut earlier were cut with the license. (*emphasis, ours*)

Ann. C Colly - Transcript of 'Video 2' – P.I.L. W.P. 6/2024

[*Speaker seen in the video is Mr. Michael Lobo, M.L.A, along with another person.*]

Mr. Lobo - And if the issue continues like this … see how many cars are passing.

2nd person – Yes, I can see around us.

Mr. Lobo - Every second a car passes, hence we have diverted traffic in a few areas. On this road there are traffic jams here that last for up to an hour at times, and that is why this road is being widened. The MLA from here is inspecting here at the moment and I also am assisting in the inspection of compounds. If you look up ahead you can see the compounds that have been demolished for this.

2nd person – Why does this work need to be done?

Mr. Lobo - The reason for this being done is because of the number of vehicles people have purchased. People from every home own 3 to 4 cars. **The present road is 5 meters. If the road is not widened now, it will never be widened. People will continue building and will reach the road. They have reached the road in the past. That is why the Government has taken the decision, and the PWD has started this work.** Here a nice circle will be made, and at another place, there will be one circle and the road will be developed with a divider now. (*emphasis, ours*)

2nd person – How many meters will the road be?

Mr. Lobo - Carriage way with 6 and a half meters on either side. It not much, the road isn't being widened a lot. 4 meters increased from the present width on either side.

2nd person – How many compound walls of people will go due to this work?

Mr. Lobo - We are going to build all the compound walls of people that will be destroyed during this.

2nd person – And what about the trees? Will any be planted?

Mr. Lobo - Trees will be planted. As many trees as are cut we will plant in the space after the bridge up ahead from here which the Govt. owns, and in peoples' properties and compounds. **I admit that I have cut many trees but we have also planted many.** Now many people will abuse me and say many bad things about me, about how I am destroying their nature, but this work is required. It is required because we ourselves have bought vehicles, we ourselves wish to go to Morjim, Arambol, Keri and other places, and people from here go to Mapusa and elsewhere. If an ambulance is called in this area, it takes an hour to reach. I have seen with my own eyes at least 7 times how I have got stuck here in traffic for hours on end - 1 hour, 1 hour 15 mins, 1 Hour 10 mins, 55 mins, 38 mins, etc. We are putting underground cabling, there is going to be a footpath for people to walk. Footpaths are needed as people walking on the road are at risk of being hit by vehicles and getting severely injuries or broken bones. 1.40 footpath on either side is very important. (*emphasis, ours*)

Photographs of some of the existing ancient heritage trees
in Siolim, at danger of being felled as a part of road widening works

Mass destruction of land and trees of over 100 years being cut.
1 message

John Lobo <jlobo8230@gmail.com>
To: dcfhq-forest.goa@nic.in
Mon, 11 Mar 2024 at 21:31

John Lobo
Siolim
Bardez Goa

11 March 2024

The Chief Conservator of Forests
Forest Department
Panjim Goa

Sub: Mass destruction of land and trees of over 100 years being cut.

Sir,

Through my letter I would like to bring it to your notice the clearing and mass destruction of trees which are over 100 years old and property going on along Siolim road by some persons.

Kindly take immediate action on this matter.

Thanking You

Yours Sincerely

John Lobo

Mass destruction of land and trees of over 100 years being cut.
1 message

John Lobo <jlobo8230@gmail.com> Mon, 11 Mar 2024 at 21:27
To: dgpgoa@goapolice.gov.in, complaint@goapolice.gov.in, spn-pol.goa@nic.in

John Lobo
Siolim
Bardez Goa

11 March 2024

The Inspector
Siolim Police Station
Siolim Goa

Sub: Mass destruction of land and trees of over 100 years being cut.

Sir,

Through my letter I would like to bring it to your notice the clearing and mass destruction of trees which are over 100 years old and property going on along Siolim road by some persons.

Kindly take immediate action on this matter.

Thanking You

Yours Faithfully

John Lobo